## Re: Wallace Yard and Spur Lines Site - Preparing final documents

Clifford Villa to: Wurtzler, Gail

08/03/2009 09:59 AM

Cc: craig.trueblood, Darrell.Early, "Lietz, Denise", "Lawrence, Robert", Sarah.Himmelhoch, Ed Moreen, SHimmelh

## Gail:

The proposed change to the CPA letter is acceptable to EPA.

My understanding concerning the RAD drawings for both the Wallace Yard and the Spur Lines is that each set will require substantial changes (mostly in terms of additional detail) in order to be approved by EPA. I'm hoping we can see significant improvements based on technical exchanges over the next several days. However, I'm not hopeful that both sets of RADs will be finalized in time for lodging one week from Friday. To some extent, the final drawings will have to be resolved in the time between lodging and entry of the CD.

Proposed changes to the draft environmental covenant will be considered by EPA, as consistent with the language of the CD.

Thanks.

Cliff Villa
Assistant Regional Counsel
U.S. EPA Region 10
"Wurtzler, Gail" <Gail.Wurtzler@dgslaw.com>



"Wurtzler, Gail" <Gail.Wurtzler@dgslaw.com> 08/03/2009 09:49 AM

To Clifford Villa/R10/USEPA/US@EPA

Subject Wallace Yard and Spur Lines Site - Preparing final documents

CONFIDENTIAL SETTLEMENT COMMUNICATION SUBJECT TO FRE 408

Cliff,

This morning I received a request through UPRR from Deloitte Touche, UPRR's independent CPA, regarding a correction in terminology for the independent CPA letter for financial assurance. I was told that auditing is done under Public Company Accounting Oversight Board standards, not US GAAP. US GAAP applies to reporting, not auditing. For that reason, Deloitte would like to change the language in numbered paragraph 1 in the CPA letter as shown on the attached PDF. Please let me know as soon as possible whether that change will be permitted.

Also, Bob and I have read your late Friday email (although not yet the attachments) and noted that it did not include the final version of the

RAD Drawings on the list of items to include in the signature package. Those drawings also need to be included in the signature package. As we have all discussed many times, it is essential that we have a complete package with all components of the settlement to present to UPRR management for final approval and signature.

Bob and I will communicate further after we review the attachments to your email. You should anticipate that we will have comments on the environmental covenant exhibit. In order to comply with Section XI of the CD, the parties need to do more than add EPA to Idaho's form.

## Thanks.

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